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Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Acknowledging the participation of the Democratic People's Republic of Korea in the universal periodic review process, expressing serious concern at the continued refusal of the Government of the Democratic People's Republic of Korea to articulate its position as to which recommendations included in the outcome report

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.

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of its universal periodic review,[4] adopted in March 2010, enjoy its support, and regretting the continuing lack of action by the Democratic People's Republic of Korea to implement the recommendations contained in the report,

Recalling the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting also the cooperation established between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations for the purpose of conducting a rapid crop and food security assessment and national nutritional survey in the country, as well as the letter of understanding signed with the World Food Programme, recognizing limited improvements in access by the World Food Programme, and emphasizing the importance of providing further access to all United Nations entities,

Recalling its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007, 63/190 of 18 December 2008, 64/175 of 18 December 2009, 65/225 of 21 December 2010 and 66/174 of 19 December 2011, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[5] 2004/13 of 15 April 2004[6] and 2005/11 of 14 April 2005,[7] Human Rights Council decision 1/102 of 30 June 2006[8] and Council resolutions 7/15 of 27 March 2008,[9] 10/16 of 26 March 2009,[10] 13/14 of 25 March 2010,[11] 16/8 of 24 March 2011[12] and 19/13 of 22 March 2012,[13] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[14] regretting that he still has

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[4] A/HRC/13/13.

[5] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[8] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[9] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[10] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[11] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[12] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[13] Ibid., *Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. III, sect. A.

[14] A/67/370.

not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 66/174,[15]

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Noting with regret that the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people, has been halted, and hoping that it will be resumed as early as possible and that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Deeply concerned at the significant persistent deterioration of the human rights situation in the Democratic People's Republic of Korea despite the succession of leadership,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of a large number of prison camps, where serious violations of human rights are perpetrated;

(iii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[16] and the 1967 Protocol thereto[17] in relation

[15] A/67/362.

[16] United Nations, *Treaty Series*, vol. 189, No. 2545.

[17] Ibid., vol. 606, No. 8791.

to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vii) Continuing violations of the human rights and fundamental freedoms of women, in particular the creation of such internal conditions that force women to leave the country and risk falling victim to trafficking for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence and continuing impunity for such violence;

(viii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially in the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children, while acknowledging that there has been some minor progress for persons with disabilities;

(x) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15,[9] 10/16,[10] 13/14,[11] 16/8[12] and 19/13;[13]

(c) The continued refusal of the Government of the Democratic People's Republic of Korea to articulate which recommendations enjoyed its support following its universal periodic review by the Human Rights Council or to express its commitment to their implementation, and its serious concern at the lack of actions taken to date to implement the recommendations contained in the final outcome;[4]

2. *Underscores its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation, including a serious deterioration in the availability of and access to food, in the country, partly as a result of frequent natural disasters, compounded by structural weaknesses in agricultural production resulting in significant shortages of food, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant women, infants and children and the elderly, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

4. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the denial of access;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Human Rights Council in the context of the universal periodic review and the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and strive to implement the recommendations made in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement more effective food security policies, including through sustainable agriculture, sound food production distribution measures and by allocating more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(i) To improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

(j) To consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-eighth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and requests the Special Rapporteur to continue to report his findings and recommendations.